

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/552,660
Applicant : Yan HONG
Filed : October 11, 2005
TC/A.U. : 1637
Examiner : Young J. Kim

Docket No. : 2577-158
Customer No. : 06449
Confirmation No. : 1905

REQUEST FOR WITHDRAWAL OF OFFICE ACTION

Director of the United States Patent
and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicants submit that the Office Action dated 5 July 2007 is directed to the incorrect claims and as a result request that this Office Action be withdrawn and a new Office Action directed to the correct claims be issued.

Specifically, Applicants note that the Office Action dated 5 July 2007 is directed to claims 1-22. The examined claims appear to be the claims that were filed with the original International Application. However as noted in Form PTO-1390 filed on 11 October 2005 (a copy of which is attached), amendments were made to the claims of the International Application under PCT Article 19. As a result of this amendment, the International Application contained amended claims 1-21. These amended claims 1-21 were made part of the International Preliminary Report on Patentability (IPRP), a copy of which was submitted with the Form PTO-1390. A copy of the IPRP is also attached. In addition, Applicants submitted a copy of the amended claims 1-21 to the Patent Office with a copy of a Response to Notice to Comply (copy of which is attached) filed on June 27, 2006.

Since the claims of the International Application had been amended under Article 19, it is these claims, i.e., claims 1-21 as found with the IPRP, that are the claims properly under consideration for the present application. Therefore, Applicants submit that the Office Action is directed to the wrong claims.

Application Serial No. 10/552,660
Request for Withdrawal of Office Action dated 22 August 2007

In view of the above remarks, Applicants request that the Office Action dated 5 July 2007, which is directed to the wrong claims, be withdrawn and a new Office Action issued for the correct claims, i.e. claims 1-21 as found with the IPRP.

Please charge any fees associated with this Request for Withdrawal of Office Action to deposit account number 02-2135.

Respectfully submitted,

By /Jeffrey L. Ihnen/
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**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

2577-158

U.S. Application No. (if known)

New Application

INTERNATIONAL APPLICATION NO.
PCT/SG2004/000093INTERNATIONAL FILING DATE
14 April 2004PRIORITY DATE CLAIMED
14 April 2003

TITLE OF INVENTION

DETECTION OF TRANSGENES OF GENETICALLY MODIFIED ORGANISMS USING PYRO LUMINESCENCE

APPLICANT(S) FOR DO/EO/US

Yan HONG

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ Is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ Is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

ITEMS 11. TO 20. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☒ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☒ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

U.S. APPLICATION NO. (If known) New Application	INTERNATIONAL APPLICATION NO. PCT/SG2004/000093	ATTORNEY DOCKET NO. 2577-155	
20. <input checked="" type="checkbox"/> Other items or information: <input type="checkbox"/> RO/101 <input type="checkbox"/> RO/105 <input checked="" type="checkbox"/> ISA/210(ISR) <input type="checkbox"/> IB/301 <input checked="" type="checkbox"/> IB/304 <input type="checkbox"/> IB/306 <input type="checkbox"/> IB 401 <input type="checkbox"/> IB/406(IPER) <input checked="" type="checkbox"/> IB/416 <input checked="" type="checkbox"/> Published Application WO/2004/090187 <input type="checkbox"/> ISA/237			
21. The following fees are submitted:		<u>CALCULATIONS</u>	<u>PTO USE ONLY</u>
<input checked="" type="checkbox"/> Basic National Fee \$300.00		\$ 300.00	
22. <input checked="" type="checkbox"/> Examination Fee If the written opinion prepared by ISA/US or the IPER prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 All other situations \$200.00		\$ 200.00	
23. <input type="checkbox"/> Search Fee If the written opinion of the ISA/US or the IPER prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(s)(2)) has been paid on the International application to the USPTO as an International Search Authority \$100.00 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400.00 All other situations \$500.00		\$ 400.00	
TOTAL OF 21, 22 AND 23 =		\$ 900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.		\$	
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Rate
- 100 =	/ 50 =		x 250
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).		\$	
Claims	Number Filed	Number Extra	Rate
Total Claims	21 -20 =	1	X \$50.00
Independent Claims	2 - 3 =		X \$200.00
Multiple dependent claim(s) (if applicable)			+ \$360.00
TOTAL OF ABOVE CALCULATIONS =		\$	
<input type="checkbox"/> Applicant claims small entity status. The fees indicated above are reduced by 1/2.		\$	
SUBTOTAL =		\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		+ \$	
TOTAL NATIONAL FEE =		\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		+ \$	
TOTAL FEES ENCLOSED =		\$ 950.00	
		Amount to be refunded	\$
		Amount to be charged	\$

U.S. APPLICATION NO. (If known) New Application	INTERNATIONAL APPLICATION NO. PCT/SG2004/000093	ATTORNEY DOCKET NO. 2577-158
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a. ☐ A check in the amount of \$_____ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 02-2135 in the amount of \$950.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge *any additional fees* which may be required, or credit any overpayment to Deposit Account No. 02-2135. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer No. 06449

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Name

35,400
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2577-158.Fcm1390.wpd